

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

RENEE SHIZUE YAMAGISHI,

Plaintiff,

v.

BANK OF AMERICA, N.A.,

Defendant.

No. C 14-05293 JSW

**ORDER REGARDING
APPLICATION FOR
TEMPORARY RESTRAINING
ORDER AND DISMISSING CASE
WITH LEAVE TO AMEND**

The Court received Plaintiff's application for a temporary restraining order ("TRO") and an order to show cause re preliminary injunction on December 3, 2014, seeking to enjoin the impending foreclosure of Plaintiff's residence. The Court issued an order setting out an expedited briefing schedule as well as issue an order to show cause regarding jurisdiction. The Court admonished Plaintiff that failure to demonstrate subject matter jurisdiction in federal court would result in dismissal of this matter.

Having not received any further briefing on the TRO, or any indication that Plaintiff has served Defendants, or further briefing demonstrating that this Court has subject matter jurisdiction, the Court finds that, as currently pled, it lacks jurisdiction over this matter. Without a valid federal claim, either under 42 U.S.C. Section 1983 or any other federal statute, this Court lacks jurisdiction over this action and must dismiss. As a result, it cannot issue a temporary restraining order. Accordingly, the Court vacates the hearing set for December 4, 2014 at 1:30 p.m.

1 This matter is DISMISSED WITH LEAVE TO AMEND. The Court grants Plaintiff
2 leave to amend her complaint to set forth a cognizable claim and some factual basis to support
3 such a claim with federal jurisdiction by no later than December 29, 2014. Failure to file a
4 timely amended complaint shall result in dismissal of this matter with prejudice.

5 **IT IS SO ORDERED.**

6
7 Dated: December 3, 2014


JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE